

Decision No. R24-0276-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0418G

ARM, LLC, and HEARTLAND INDUSTRIES, LLC

COMPLAINANTS,

V.

COLORADO NATURAL GAS, INC. and WOLF CREEK ENERGY, LLC,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING-IN-PART AND DENYING-IN-PART REQUEST
TO SHORTEN RESPONSE TIME TO MOTION TO
COMPEL**

Mailed Date: April 26, 2024

I. STATEMENT

A. Background

1. On August 16, 2023, ARM, LLC and Heartland Industries, LLC (collectively, Complainants) filed a Formal Complaint against Colorado Natural Gas, Inc. and Wolf Creek Energy, LLC (collectively, Respondents) that initiated this proceeding.

2. On August 30, 2023, the Commission referred the matter by minute entry to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

3. On January 30, 2024, the ALJ signed a Subpoena Duces Tecum (Subpoena) filed by the Office of the Utility Consumer Advocate (UCA) ordering Summit Utilities, Inc. (Summit Utilities) to produce documents at a deposition scheduled for February 9, 2024.

4. On February 8, 2024, Summit Utilities filed a Motion to Quash Subpoena Duces Tecum (Motion to Quash). On February 22, 2024, Complainants, Commission Trial Staff, and UCA filed responses to the Motion to Quash.

5. On February 23, 2024, Complainants filed a Motion to Compel Discovery from Respondents (Motion to Compel).

6. On April 5, 2024, the ALJ issued Decision No. R24-0209-I that granted-in-part and denied-in-part the Motion to Quash, granted the Motion to Compel, and ordered Summit Utilities and Respondents to supplement their responses to the discovery addressed in the decision within two weeks.

7. On April 19, 2024, Respondents filed an Unopposed Revised Motion for Extension of Time to Respond to Certain Requests in the Colorado Office of the Utility Consumer Advocate's Subpoena Duces Tecum (Unopposed Motion). In the Unopposed Motion, Respondents requested a one-week extension, to and including April 26, 2024, to respond to requests 14, 22, and 23 in the Subpoena.

8. On April 24, 2024, the ALJ issued Decision No. R24-0249-I granting the Unopposed Motion. The ALJ had sent an email to counsel for the parties on April 19, 2024 informing them that the Unopposed Motion would be granted, but it was unclear when the written decision granting the Unopposed Motion would be filed.

9. On April 24, 2024, UCA filed a Motion to Compel and Request for Shortened Response Time (Second Motion to Compel). UCA requests that response time to the Second

Motion to Compel be shortened to April 25, 2024. UCA represents that it conferred with the other parties to this proceeding and that Respondents oppose the Second Motion to Compel, Complainants support it, and Staff takes no position on it.

B. Analysis

10. UCA has stated good cause to grant-in-part its request. The ALJ will shorten response time to the Second Motion to Compel to April 29, 2024.

II. ORDER

A. It Is Ordered That:

1. The request for shortened response time in the Motion to Compel and Request for Shortened Response Time filed by the Office of the Utility Consumer Advocate on April 24, 2024 (Second Motion to Compel) is granted-in-part and denied-in-part. Response time to the Second Motion to Compel is shortened to April 29, 2024.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director